

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DYLAN ERIC LANDERS,

Plaintiff,

vs.

SCOTT FRAKES, DIANE SABATKA-
RINE, and MEMBERS OF THE
CENTRAL OFFICE MULTI-
DISCIPLINARY REVIEW TEAM,

Defendants.

8:17CV371

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's Motion to Compel ([Filing No. 18](#)) filed on March 8, 2018, asking the court to compel the Nebraska Department of Correctional Services to provide the names and addresses of the individual members of the Central Office Multi-Disciplinary Review Team (hereinafter "the Review Team"). Subsequently, on March 9, 2018, Plaintiff filed a document indicating he had been provided the names of the individual members of the Review Team. ([Filing No. 19](#).) The individual Review Team members identified by Plaintiff are Diane Sabatka-Rine, Chair-Deputy Director-Operations; J. Beaty, Research Representative; C. Connelly, Intelligence Representative; M. Rothwell, Classification Representative; S. Bryant, PsyD, Mental Health Representative; and Scott Frakes, Director.

In accordance with the court's Memorandum and Order dated February 27, 2018 ([Filing No. 16](#)), Plaintiff has provided to the court the names of the individual Review Team members. Accordingly,

IT IS ORDERED that:

1. Plaintiff's Motion to Compel ([Filing No. 18](#)) is denied as moot and without prejudice to reassertion should Plaintiff become aware of additional members of the Review Team who have not been identified.

2. Plaintiff's Due Process, Eighth Amendment, and state law claims will proceed to service of process against the following Review Team members in their official and individual capacities: J. Beaty, Research Representative; C. Connelly, Intelligence Representative; M. Rothwell, Classification Representative; S. Bryant, PsyD, Mental Health Representative.¹

3. For service of process on Defendants J. Beaty, C. Connelly, M. Rothwell, and S. Bryant in their official capacities, the clerk of the court is directed to complete 4 summons forms and 4 USM-285 forms for Defendants Beaty, Connelly, Rothwell, and Bryant using the address "Office of the Nebraska Attorney General, 2115 State Capitol, Lincoln, NE 68509," and forward them together with a copy of the Complaint ([Filing No. 1](#)) and a copy of this Memorandum and Order to the Marshals Service. **The Marshals Service shall serve Defendants Beaty, Connelly, Rothwell, and Bryant in their official capacities at the office of the Nebraska Attorney General, 2115 State Capitol, Lincoln, NE 68509.** See [Federal Rule of Civil Procedure 4\(j\)\(2\)](#); [Neb. Rev. Stat. § 25-510.02 \(Reissue 2016\)](#).²

¹ Service of process has already been issued on Scott Frakes and Diane Sabatka-Rine in their official and individual capacities.

² Pro se litigants proceeding in forma pauperis are entitled to rely on service by the United States Marshals Service. [Wright v. First Student, Inc.](#), 710 F.3d 782, 783 (8th Cir. 2013). Pursuant to 28 U.S.C. § 1915(d), in an in forma pauperis case, "[t]he officers of the court shall issue and serve all process, and perform all duties in such cases." See [Moore v. Jackson](#), 123 F.3d 1082, 1085 (8th Cir. 1997) (language in § 1915(d) is compulsory). See, e.g., [Beyer v. Pulaski County Jail](#), 589 Fed. Appx. 798 (8th Cir. 2014) (unpublished) (vacating district court order of dismissal for failure to prosecute and directing district court to order the Marshal to seek defendant's last-known contact information where plaintiff contended that the Jail would have

4. For service of process on Defendants J. Beaty, C. Connelly, M. Rothwell, and S. Bryant in their individual capacities, the clerk of the court is directed to complete 4 summons forms and 4 USM-285 forms for Defendants Beaty, Connelly, Rothwell, and Bryant using the address “Central Office, 801 West Prospector Place, Lincoln, NE 68522,” and forward them together with a copy of the Complaint ([Filing No. 1](#)) and a copy of this Memorandum and Order to the Marshals Service. **The Marshals Service shall serve Defendants Beaty, Connelly, Rothwell, and Bryant personally in their individual capacities at the Central Office, 801 West Prospector Place, Lincoln, NE 68522.** Service may also be accomplished by using any of the following methods: residence, certified mail, or designated delivery service. See [Federal Rule of Civil Procedure 4\(e\)](#); [Neb. Rev. Stat. § 25-508.01 \(Reissue 2016\)](#).

5. The United States Marshal shall serve all process in this case without prepayment of fees from Plaintiff.

6. The clerk of the court is directed to add the individuals named in Paragraph 2 as defendants in this matter. The clerk of the court is further directed to terminate “Members of the Central Office Multi-Disciplinary Review Team” as a defendant.

7. The clerk of the court is directed to set the following pro se case management deadline: **June 19, 2018**: check for completion of service of process.

information for defendant’s whereabouts); [Graham v. Satkoski](#), 51 F.3d 710, 713 (7th Cir. 1995) (when court instructs Marshal to serve papers for prisoner, prisoner need furnish no more than information necessary to identify defendant; Marshal should be able to ascertain defendant’s current address).

Dated this 20th day of March, 2018.

BY THE COURT:

s/ Richard G. Kopf

Senior United States District Judge